

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GENE ALLEN,)	
)	3:05-CV-00616-LRH-VPC
Petitioner,)	
)	<u>MINUTES OF THE COURT</u>
vs.)	
)	February 25, 2008
STATE OF NEVADA,)	
)	
Respondents.)	
_____)	

PRESENT:

THE HONORABLE LARRY R. HICKS, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: ROSEMARIE MILLER REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

The court has received an Application for Certificate of Appealability filed on February 15, 2008 (#22). The court notes that a Certificate of Appealability was previously denied by the court under date of May 23, 2006 (#19) and was further denied by the Ninth Circuit Court of Appeals on July 27, 2006 (#21).

The present Application for Certificate of Appealability may be related to the dismissal of an appeal by the Petitioner before the Nevada Supreme Court from an order of the District Court denying a motion for transcripts at state expense. The Nevada Supreme Court's order dismissing appeal was attached to Petitioner's Application for Certificate of Appealability. If Petitioner is challenging the Nevada Supreme Court's action, it would not properly be a matter for filing or review by this court in this action. Moreover, this court has previously denied a Certificate of Appealability in this action, as has the Ninth Circuit Court of Appeals. If Petitioner is seeking additional relief from this court, he would be required to file a new action based upon 28 U.S.C. §§ 2253-2254.

Petitioner's present Application for Certificate of Appealability is, therefore, DENIED as moot and as beyond the jurisdiction of this court.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk